

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Gorenstein, et al.	:	
		:	
Serial No.:	10/588,855	:	Examiner: Harward, Soren
		:	
Filed:	March 19, 2008	:	Art Unit: 1631
		:	
For:	SYSTEM AND METHOD FOR TRACKING AND QUANTITATING CHEMICAL ENTITIES	:	Atty. Docket: W-388

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated October 19, 2010, for the above-referenced patent application, Applicant respectfully submits the following:

1. A copy of the Notice of Non-Compliant Amendment; and
2. A corrected Amendment and Response to Office Action.

The Amendment and Response submitted herewith is being provided in response to the Notice of Non-Compliant Amendment dated October 19, 2010 and in response to the Office Action dated June 14, 2010, for the above-captioned U.S. patent application. The Amendment and Response submitted herewith replaces the Amendment and Response previously filed on October 12, 2010 and includes the text of the withdrawn claims in accordance with the Notice of Non-Compliant Amendment.

Applicants submit that NO ADDITIONAL FILING FEES are due beyond that those paid with the submission of the original Amendment and Response document.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8604.

Respectfully submitted,  
MUIRHEAD AND SATURNELLI, LLC



Date: October 26, 2010

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<b>Notice of Non-Compliant Amendment</b> <b>(37 CFR 1.121)</b>	Application No. 10/588,855	Applicant(s) GORENSTEIN ET AL.	
		Art Unit 3998	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 12 October, 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- COPY

  - ☐ 1. Amendments to the specification:
    - ☐ A. Amended paragraph(s) do not include markings.
    - ☐ B. New paragraph(s) should not be underlined.
    - ☐ C. Other \_\_\_\_\_.
  - ☐ 2. Abstract:
    - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    - ☐ B. Other \_\_\_\_\_.
  - ☐ 3. Amendments to the drawings:
    - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    - ☐ C. Other \_\_\_\_\_.
  - ☒ 4. Amendments to the claims:
    - ☐ A. A complete listing of all of the claims is not present.
    - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    - ☒ E. Other: Withdrawn claims needs to show text.
  - ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month, or thirty (30) days, whichever is longer**, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /LINDA W. BADIE/

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